Chapter 13: Tribal Enforcement

Section 13.015: Establishing a Tribal TANF Case
This section describes what steps to take when you receive a tribal TANF referral.

CONTENTS

Laws	42 USC 612 tribal TANF 42 USC 654 cooperative child support agreements WAC 388-14A-5000 - 5100 allows DCS to distribute support money to a tribe with a TANF program or cooperative agreement Chapter 26.25 RCW encourages DCS and tribes to enter into cooperative child support agreements

Policy	Refer to state/tribal cooperative child support agreements or protocols on tribal TANF cases.
	
	    A. Lower Elwha Klallam Child Support Agreement
	    B. Child support matters on Port Gamble S'Klallam tribal TANF cases are referred to the tribe for establishment of paternity and support, and enforcement.
	
	A tribal TANF case is set up by the DCS regional office that is in the same DSHS region as the tribe.
	
	A tribal TANF case is assigned to the SEO, rather than the Tribal Liaison unless the case meets the definition of a tribal case or otherwise negotiated in a protocol or cooperative agreement.
	
	Refer all communications with a tribe or tribal official to your Tribal Liaison.

Procedure	Set up a case on SEMS using case type 2, Non-Assistance for each NCP associated with the tribal TANF referral and set CF screens. On the CP's IA screen, enter the tribe's address for payment processing. Document tribal information on all existing DCS cases associated with the tribal TANF case. Set a SI only to prevent payments from being misapplied. Request a TVT when appropriate. Consult the Tribal Liaison if you have questions or need additional information.

	Transfer the case to another field office if appropriate.
Visual Aids	Tribal Relations Internet site Tribal Chart 1SEMS Web TI - Tribal Information
Automated Actions	IV-A/IV-D interface will switch the case type on existing assistance cases from assistance to nonassistance.
SEMS Screens	BC, BI, AR-IA, CC, WB, CF, SI, OR, MI
Forms Used	18-369, Child Support Referral - Tribe, TANF Assignment - Tribal
Hearing and ConferenceBoard Rights	Refer all requests to the Regional Tribal Liaison or Tribal Claims Officer.
See Also	Lower Elwha Klallam Child Support Agreement

PROCEDURES

A. What is the background of tribal TANF programs?

  1. Federal welfare reform legislation authorizes Indian tribes to operate their own Temporary Assistance for Needy Families (TANF) programs and/or child support programs. These new opportunities significantly impact DCS state/tribal cases, policy, procedure and services. Currently four Indian tribes in Washington State (Lower Elwha Klallam Tribe, Port Gamble S'Klallam Tribe, Quinault Nation, and the Quileute Tribe) have approved TANF programs for employment and welfare-related services.

B. What is a tribal TANF case?

  1. A tribal TANF case is a DCS case opened as a result of an Indian tribe authorizing public assistance and sending a referral to DCS to open a case. The referral is usually accompanied by a tribal assignment of support rights.
  Note: Samples of a TANF Assignment form and a TANF Referral form, both adopted by the Quinault Nation, are at the following links: Child Support Referral - Tribe and TANF Assignment - Tribal.

  2. DCS works with each Indian tribe that has a TANF program to negotiate an intergovernmental child support agreement, protocol, or Memorandum of Understanding. DCS sends support collected to the tribe for distribution.

C. Who receives a tribal TANF referral?

  1. The Tribal Liaison in the region of the tribe reviews the tribal TANF referral. The referral may not look like a regular referral. Most tribes require an assignment of support rights to the Indian tribe. The assignment may be a form signed by the CP or a tribal statutory assignment.

D.   How is a tribal TANF case set up?

Process the referral much like a referral from another jurisdiction, but with the following exceptions:

1.   If you find the CP or the child on any open DCS cases, immediately set **SI** for each NCP associated with the existing cases. This prevents support from being misapplied.

2.   Set up a new nonassistance case (Case Type **2** Non-AFDC) for each NCP associated with the tribal referral. You should get a tribal referral for each NCP.

3.   Do not merge the CP's **BI** number to existing IV-D cases. Make sure the Ethnicity codes on the **BI** screens are correct.

> **Note:** Assign one new **BI** number to the CP even if multiple Tribal TANF cases exist.
> **Exception:** If the CP later received Tribal TANF from a different Tribe, assign another **BI** number to the CP.

4.   On the tribal case post two addresses to the CP's IA:

    a.   Enter the tribe's address as follows for payment processing:
        Use address type **02** (mailing), verification code **01** (verified).
        Tribe's name
        Attn: (Tribal contact name)
        RE: (CP's name)
        Tribe's address

    b.   Enter the CP's address as follows for correspondence:
        Use address Type **02** (mailing), Verification Code **32** (unverified).
        CP's name and actual address.

5.   Update the tribal and existing cases with the most current information. Contact the Tribal Liaison if you need more information to set up the tribal case.

6.   Post a **CC 76** entry and a **WB** comment on both the tribal TANF (NA) case and on any open DCS case to show that the family is receiving a tribal TANF grant.

    a.   On the tribal case, enter: " This is a (list tribe) tribal TANF case effective (list date)."

    b.   On the existing DCS case, enter: " Effective (date) The CP (name) and children (names) are receiving tribal TANF from the (tribe's name) Tribe. A new IV-D case is being set up."

7.   Mark "Tribal TANF" on the file folder to physically flag the case.

8.   Transfer the case to the field office determined by the Tribal Liaison. In most instances, the case will go to the field office where the NCP lives, unless the tribal cooperative agreement specifies otherwise. See Section 13.030.

9. Assign the case to the Tribal Liaison if it meets the definition of a tribal case or under the terms of a protocol or cooperative agreement, otherwise it is assigned to the SEO.

E. **What other action do I take on the CP's or child's existing open DCS cases?**

1. Stop nonassistance services being provided to the child by closing the non-AFDC case. Use closure code **42**. If the NCP owes arrears to DSHS, keep the subro case open. **Note**: You do not have to send a **Full Collection Services Closure Letter**, DSHS 18-370 to the CP.

2. After you open the tribal TANF case:

    a. Transfer current support and any arrears owed to the CP from the IV-D case **CF** over to the corresponding tribal TANF case **CF**.

    b. Notify the Cash Unit to set up the required tribal EFT. See Section 13.020.

    c. Transfer information from the **OR** and **MI** screens to the tribal TANF case.

    d. Delete the **SI** when the **EFT** and **CF** are set up.

3. If appropriate, request a total v. total calculation on the CP's prior state TANF case. Adjust the **CF** screens of both the tribal TANF and the DCS cases if the total v. total outcome warrants.

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